AO 106 (Rev. 04/10) Application for a Search Warrant

FILED
At Albuquerque NM
MAR 24 2017
MATTHEW J. DYKMAN
CLERK

# UNITED STATES DISTRICT COURT

for the
District of New Mexico

In the Matter of the Search of
*(Briefly describe the property to be searched or identify the person by name and address)*
One (1) black/gray colored, "Puma" brand duffel type bag (Further depicted in attached photograph)

Case No. 17-MR-237

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

One (1) black/gray colored "Puma" brand duffel type bag presently located at the Drug Enforcement Administration.

located in the Judicial District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:
Cocaine, Methamphetamine, Heroin and/or marijuana

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- [x] evidence of a crime;
- [x] contraband, fruits of crime, or other items illegally possessed;
- [x] property designed for use, intended for use, or used in committing a crime;
- [ ] a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

| *Code Section* | *Offense Description* |
|---|---|
| 21 USC 841 | Possession with Intent to Distribute a Controlled Substance. |

The application is based on these facts:
(See Affidavit, Attachment A)

- [ ] Continued on the attached sheet.
- [ ] Delayed notice of ____ days (give exact ending date if more than 30 days: ________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
*Applicant's signature*

Jarrell W. Perry, DEA Special Agent
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 03-24-2017

[signature]
*Judge's signature*

City and state: Albuquerque, New Mexico

Karen B. Molzen, US Magistrate Judge
*Printed name and title*

**Attachment A**

**AFFIDAVIT IN SUPPORT OF APPLICATION**

I, Jarrell W. Perry, being duly sworn, hereby depose, and state as follows:

I am a Special Agent of the Drug Enforcement Administration (DEA). I have been so employed since September, 1998. Prior to my employment with the DEA, I was a Police Officer for approximately six years. By virtue of my employment with the DEA, I am authorized to conduct investigations of violations of the Controlled Substances Act. Over the course of my twenty-three years in law enforcement, I have been assigned to the DEA Albuquerque District Office Interdiction Unit for approximately 16 years and have been involved in over 1,300 seizures of illegal narcotics and United States Currency on Amtrak Trains, Airports, packaging services and various bus companies. I have also participated in and/or executed many search warrants involving various forms of luggage. I am currently assigned to the Albuquerque District Office Interdiction Group.

This affidavit is offered in support of an application seeking authorization to conduct a search for contraband contained in a One (1) black/gray colored, "Puma" brand duffel type bag (hereinafter referred to as the SUBJECT PROPERTY). It is my belief that the SUBJECT PROPERTY currently contains evidence of violations of Title 21 United States Code, Section 841(a) (1), the manufacture, distribution and possession with intent to distribute a controlled substance. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. I have also relied on the experience and assistance of DEA Task Force Officer (TFO) Joshua Campos and DEA TFO Clarence Davis during this investigation.

**BACKGROUND OF THE INVESTIGATION**

On March 24, 2017, Drug Enforcement Administration (DEA) Special Agent (S/A) Jarrell W. Perry and DEA Task Force Officer (TFO) Joshua Campos were at the Greyhound Bus Station in Albuquerque, New Mexico to check the eastbound Greyhound Bus that makes a regularly scheduled stop in Albuquerque, New Mexico. S/A Perry approached a male, later identified as Rodrigo CERVANTES-RODRIGUEZ, who was sitting in his respective seat on the Greyhound Bus. S/A Perry observed CERVANTES-RODRIGUEZ place a black colored duffel bag in the empty window seat beside him. S/A Perry displayed his badge and identified himself as a police officer to CERVANTES-RODRIGUEZ, and asked for and received consent to speak to CERVANTES-RODRIGUEZ. S/A Perry asked CERVANTES-RODRIGUEZ for permission to see his bus ticket and CERVANTES-RODRIGUEZ pointed towards the outside of the bus and said, "My friend." CERVANTES-RODRIGUEZ quickly stood up from his seat, walked off of the bus and began to run away. CERVANTES-RODRIGUEZ was tackled and handcuffed by TFO Davis and S/A Perry.

CERVANTES-RODRIGUEZ was transported back to the Greyhound Bus and S/A Perry retrieved the black duffel bag that CERVANTES-RODRIGUEZ earlier had in his possession.

At the DEA Albuquerque District Office (ADO), TFO Campos deployed his trained and certified narcotics canine, "Kimba" on CERVANTES-RODRIGUEZ's black/gray colored, "Puma" brand duffel type bag. TFO Campos informed S/A Perry that "Kimba" alerted to the black/gray colored, "Puma" brand duffel type bag for the odor of illegal narcotics. “Kimba” was last certified in September, 2016 by the California National Canine Association and the Department of Public Safety in New Mexico in December, 2016 to detect controlled substances including methamphetamine, cocaine, heroin, marijuana, and their derivatives.

Based on the above listed facts listed throughout this affidavit, it is my belief that CERVANTES-RODRIGUEZ has concealed within the SUBJECT PROPERTY controlled substances.

Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for the items outlined above.

This search warrant and supporting affidavit were approved by Assistant United States Attorney Kimberly Brawley.

Jarrell W. Perry, Special Agent
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,

March 24, 2017, at Albuquerque, New Mexico

Karen B. Molzen
United States Magistrate Judge